

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
EVELYN CAVAZZINI,

Plaintiff,

-against-

NICOLE MARIE ALLISON and KLLM TRANSPORT
SERVICES, LLC,
Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/28/2023

23 Civ. 5430 (AT)

ORDER

Plaintiff filed this personal-injury action against Defendants Nicole Marie Allison and KLLM Transport Services, LLC, in the Supreme Court of New York, Bronx County, on February 28, 2023. ECF No. 1-1. Defendants jointly removed the action to this Court, invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. ECF No. 1.

Defendants' notice of removal states that KLLM Transport Services, LLC is a limited liability company. A limited liability company is deemed to be a citizen of each state of which its members are citizens. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51–52 (2d Cir. 2000) (citation omitted). Accordingly, the notice of removal must state the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company. *See id.*; *see also Thor Equities, LLC v. Hiscox Ins. Co.*, No. 22 Civ. 7790, 2022 WL 5196111, at *1–2 (S.D.N.Y. Oct. 5, 2022); *id.* at *1 (“[T]he party asserting federal jurisdiction bears the burden of establishing jurisdiction.” (citation omitted)). The notice of removal here fails to do so.

Accordingly, by **December 12, 2023**, Defendants shall amend their notice of removal to state the citizenship of each constituent person or entity of Defendant KLLM Transport Services, LLC. If Defendants fail to amend by the foregoing date to truthfully allege complete diversity based upon the citizenship of each constituent person or entity of the LLC, then the complaint will be remanded to the Supreme Court of New York, Bronx County.

SO ORDERED.

Dated: November 28, 2023
New York, New York



ANALISA TORRES
United States District Judge